UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,682	07/24/2003	Byung-Wook Kim	678-1232 (P11297)	1050

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EXAMINER
KARIKARI, KWASI

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *17 February 2006*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-8* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-8* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 02/17/2006 have been fully considered but they are

not persuasive.

In response to Applicant's outstanding argument, in claim 1-3, that there is no

suggestion, in the combined references of Wilson et al., Kirsch and Allison et al., of

SMS spam messages and the step of determining if a spam blocking option is set, the

Examiner respectfully maintains that Kirsch's reference meets the meaning of such

claim languages (**See** Kirsch Pars.[0010, 0024-0025] and Fig. 2, blocks 28 and 30). To

further explain, the examiner references to page 9 of the applicant's specification where

such claim limitations have further been explained.

In view of the above remarks, the rejections using Wilson et al., Kirsch and Allison et al.,

are proper and maintained as set forth below. These rejections are made FINAL.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8 are rejected under U.S.C. 103(a) as being unpatentable over

Wilson et al., (U.S. 20040167968 A1), (hereinafter Wilson) in view of Kirsch

(U.S. 20040177120 A1), (hereinafter Kirsch) and further in view of Allison et al.,

(U.S. 6,819,932), (hereinafter Allison).

Regarding **Claim 1**, Wilson discloses a method for blocking spam messages (spam

message) in a server (spam blocking server (102)), comprising the steps of:

a) when a message and its corresponding message phone number to be

transmitted to a subscriber of a mobile communication terminal [electronic

communication link, **see** Pars. [0022-0023]) is received from a base station (a system,

see Par. [0013])

b) accessing a spam-blocking information database, and searching for a the

SMS message phone number (signature or essential information) to determine if the

SMS message phone number registered in the spam-blocking Information data base

(Fig. 1, item 102) and (signatures are looked up in the database, **see** Par. [0023]);

c) if the message phone number is registered in the spam-blocking information

database ending the procedure for the received message without performing message

processing for services on the received message (appropriate action being taken, step

210 of Fig.2, when matching signatures are found in database, Par. [0023]) **but fails**

teach SMS spam messages and determining if a spam blocking option is set.

Kirsch discloses a method of filtering email messages (**see** Par. [0010]). Kirsch further

teaches the decision of categorizing a received email message as wanted or unwanted

based on words appearing in the subject header (**see** Pars. [0024-0025] and Fig. 2,

blocks 28 and 30).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Kirsch with the system of Wilson for the benefit of achieving an email filtering system that could identified and stopped spam messages with forged or inappropriate identities.

However, the combination of Wilson and Kirsch fails to teach SMS spam messages. Allison teaches a system that prevents the delivery of unwanted SMS messages (**see** col. 4, lines 37-55).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Allison with the combination of Kirsch and Wilson for the benefit of achieving a system that could prevent the unwanted delivery of SMS messages.

Regarding **Claim 2**, Wilson discloses a method for blocking spam messages in an server [102], comprising the steps of:

a) when a message to be transmitted to a subscriber of a mobile communication terminal is received from a base station [steps 200-206 in Fig.2];

b) determining if the received message includes a **predetermined word** (using a previously built-up knowledge of spam messages to block a subsequent spam, **see** Par. [0016]) said predetermined word being prestored in database (system uses build knowledge from spam and store information in the database, **see** Pars [0016 and 0017]) and;

c) if the received message includes a predetermined word (essential information or signature), ending the procedure for the received message without performing

message processing for services on the received message (if signature matches are found in database, then some appropriate action is taken, **see** Par. [0023]), **but fails to teach SMS message and determining if a spam blocking option is set.**

Kirsch discloses a method of filtering email messages (**see** Par. [0010]). Kirsch further teaches the decision of categorizing a received email message as wanted or unwanted based on words appearing in the subject header (**see** Pars. [0024-0025] and Fig. 2, blocks 28 and 30).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Kirsch with the system of Wilson for the benefit of achieving an email filtering system that could identified and stopped spam messages with forged or inappropriate identities.

However, the combination of Wilson and Kirsch fails to teach SMS spam messages. Allison teaches a system that prevents the delivery of unwanted SMS messages (**see** col. 4, lines 37-55).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Allison with the combination of Kirsch and Wilson for the benefit of achieving a system that could prevent the unwanted delivery of SMS messages.

Regarding **Claim 3**, Wilson discloses method for blocking spam messages in a mobile communication terminal [email device, (106 and100)], comprising the steps of:

a) when an message [email message] is received, and c) when it is determined

that the received message is a spam message controlling the terminal so as not to

notify receipt of the message (action is taken or message is deleted, **see** step 210 in

Fig. 2 and Par. [0025]), **but fails to teach SMS message and determining if a spam**

blocking option is set.

Kirsch discloses a method of filtering email messages (**see** Par. [0010]). Kirsch further

teaches the decision of categorizing a received email message as wanted or unwanted

based on words appearing in the subject header (**see** Pars. [0024-0025] and

Fig. 2, blocks 28 and 30).

It would therefore have been obvious to one of the ordinary skill in the art to

combine the teaching of Kirsch with the system of Wilson for the benefit of achieving an

email filtering system that could identified and stopped spam messages with forged or

inappropriate identities.

However, the combination of Wilson and Kirsch fails to teach SMS spam messages.

Allison teaches a system that prevents the delivery of unwanted SMS messages

(**see** col. 4, lines 37-55).

It would therefore have been obvious to one of the ordinary skill in the art to

combine the teaching of Allison with the combination of Kirsch and Wilson for the

benefit of achieving a system that could prevent the unwanted delivery of SMS

messages.

Regarding **Claim 4**, Wilson discloses the method as set forth in claim 3, further

comprising the step of;

d) determining if a spam message is set to be stored (update), after blocking the

message-receipt notification, and storing the received spam message if it is determined

that the spam message is to be stored (blacklist is updated for the purpose of blocking

spam message and if signature is not found, then message is processed,

see Pars. [0017 and 0024]), **but fails to teach SMS message.**

Allison teaches a system that prevents the delivery of unwanted SMS messages

(**see** col. 4, lines 37-55).

It would therefore have been obvious to one of the ordinary skill in the art to

combine the teaching of Allison with the combination of Kirsch and Wilson for the

benefit of achieving a system that could prevent the unwanted delivery of SMS

messages.

Regarding **Claim 5**, Wilson discloses the method as set forth in claim 3, wherein

a phone number [essential information] of a spam-message sender (sender address is

added to the blacklist, **see** Par. [0025]) is registered in the spam-blocking information

database, and said step a) further includes the step of:

a-1) detecting [matching signature] an message send phone number from the received

message, and determining the message phone number is registered in the spam-

blocking information database (if matching signature is found in the database,

see Par. [0023], **but fails to teach SMS message.**

Allison teaches a system that prevents the delivery of unwanted SMS messages

(**see** col. 4, lines 37-55).

It would therefore have been obvious to one of the ordinary skill in the art to

combine the teaching of Allison with the combination of Kirsch and Wilson for the

benefit of achieving a system that could prevent the unwanted delivery of SMS

messages.

Regarding **Claim 6**, Wilson disclose the method as set forth in claim 3, wherein a

predetermined word (essential information] is registered in the spam-blocking

information database (104), and said step a) further includes the step of:

a-2): determining if the registered predetermined word is included in the received

message (signatures are sent to a database, **see** Par. [0017]), **but fails to teach SMS**

message.

Allison teaches a system that prevents the delivery of unwanted SMS messages

(**see** col. 4, lines 37-55).

It would therefore have been obvious to one of the ordinary skill in the art to

combine the teaching of Allison with the combination of Kirsch and Wilson for the

benefit of achieving a system that could prevent the unwanted delivery of SMS

messages.

Regarding **Claim 7**, Wilson discloses the method as set forth in claim 3, wherein

a phone number of a spam message sender (sender address is added to the blacklist,

see Par. [0025]) and a predetermine word [signature] implying a spam message are registered in the spam-blocking information database [104], and said step a) further includes the steps of

a-1) detecting a message phone number from the received message, and determining if the message phone number registered in the spam-blocking information database (spam blocking server look for signature in the database, **see** Par. [0018]) and;

a-2) determining if the registered predetermined word (essential information)is included in the received SMS message [**see** step 206 in fig.2], **but fails to teach SMS message.** Allison teaches a system that prevents the delivery of unwanted SMS messages (**see** col. 4, lines 37-55).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Allison with the combination of Kirsch and Wilson for the benefit of achieving a system that could prevent the unwanted delivery of SMS messages.

Regarding **Claim 8**, according to claim 3, Allison further discloses reading a previously stored warning message, from the database, and transmitting the previously stored warning message to a call back number detected from the SMS message (stored information that indicates a new message to alert the originator of the discarded spam SMS message that the spam was not delivered and additional message should not be sent to the intended recipient, **see** col. 12, lines 47-60).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Allison with the combination of Kirsch and Wilson for the benefit of achieving a system that could prevent the unwanted delivery of SMS messages.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Song et al. (U.S 2003/0225841) discloses a system and method of preventing spam mails.

Bates et al. (U.S 6,779,021) discloses a method and system for predicting and managing undesirable electronic mail.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kwasi Karikari
Patent Examiner.

TEMICA BEAMER
PRIMARY EXAMINER